

GENERAL COMPLAINT

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

FILED-CLERK
U.S. DISTRICT COURT

2014 OCT 20 AM 10:55

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JOHN VERNON HEARNSBERGER

VS.

CASE NUMBER: 2:14CV982
JRb

PANOLA COUNTY, TEXAS
PANOLA COUNTY JUDGE LEEANN JONES
PANOLA COUNTY SHERIFF KEVIN LAKE
JACK ELLET
DAVID JETER
RONALD CLINTON

I. ATTEMPT TO SECURE COUNSEL:

- A. In preparation for this suit, I have attempted to secure the aid of an attorney as follows: I have attempted to employ counsel.

It is still my intent to employ an attorney to represent me in this case.

- B. The names and addresses of the attorneys with whom I have consulted are:

Mr. John Heath, Jr.
1308 Raguet Street
Nacogdoches, TX 75961

Mr. David Craig
Stuckey, Garrigan and Castetter
2803 North Street
Nacogdoches, TX 75961

Mr. Jim Garrett
210 North Street
Nacogdoches, TX 75961

- C. The results from my conferences with counsel are:

Mr. Heath informed me that he does not practice any civil law as he practices criminal law only. Mr. Craig told me that he did not have the time to take on my case at this time. Mr. Garrett told me that he did not handle civil rights wrongful termination cases in federal court.

But it is still my intent to employ an attorney to represent me in this case.

II. LIST PREVIOUS LAWSUITS:

- A. Have you filed other lawsuits in a state or federal court dealing with the same facts involved in this action or any other incidents? NO
- B. Not applicable.

III. PARTIES TO THIS SUIT:

- A. List the full name and address of each plaintiff:

Plaintiff #1

Mr. John Vernon Hearnberger
1653 CR 152
Carthage, Texas 75633

- B. List the full name of each defendant, their official position, place of employment and full mailing address.

Defendant #1

Panola County, Texas
By serving Panola County Judge Leeann Jones
110 South Sycamore Street
Carthage, Texas 75633

Defendant #2

Panola County Judge Leeann Jones (In her official capacity)
110 South Sycamore Street
Carthage, Texas 75633

Defendant #3

Sheriff Kevin Lake (In his official capacity)
Panola County Sheriff
314 West Wellington Street
Carthage, Texas 75633

Defendant #4

Mr. Jack Ellect
Retired
Former Panola County Sheriff
1784 Highway 59 South
Carthage, Texas 75633

Defendant #5

Mr. David Jeter
Police officer
Tenaha Independent School District
138 College Street
Tenaha, Texas 75974

Defendant #6

Mr. Ronald Clinton
Not currently employed
1132 Lynnwood Street
Carthage, Texas 75633

IV. STATEMENT OF CLAIM: State as briefly as possible the facts of your case. Describe how each defendant is involved. Include the names of other persons involved with dates and places.

I have been a licensed peace officer for 27 years. Since December 2012 I have been employed as the officer in charge of narcotics interdiction for the Sheriff's Office of DeSota Parish, Louisiana.

In 2004 Defendant Panola County Sheriff Ellect hired me to work in the Panola County Sheriff's Department's narcotics interdiction program. Defendant Ellect remained as the Panola County Sheriff until December 2012. He was the Sheriff at all times relevant to my lawsuit.

On October 19, 2012, I was wrongfully terminated by the Sheriff's Department. This wrongful termination is the basis of my lawsuit.

In July of 2011 I started a business called Complete Right of Way Services, LLC. The company was very slow getting off the ground. It required a lot of operating expenses but it had little income. I personally borrowed \$55,000 to keep the company afloat.

In February 2012 I sold 75% of the company to Mr. Larry Fields of Carthage, Texas. Mr. Fields then paid and brought current the bills and bank notes of the company.

In October 2012 Mr. Fields and I had a business dispute over company money that I had paid to myself to reimburse myself for funds that I had originally invested in the start-up of our business. To resolve this dispute I paid Mr. Fields \$28,660.43 and sold my 25% interest in the business to him. I paid him in full. We totally settled and resolved our differences. We did so constructively without any need for attorneys or lawsuits.

My business dispute with Mr. Fields was entirely a civil matter. There was never any criminal conduct on my part.

I have not named Mr. Fields as a defendant in this lawsuit.

Despite the fact that Mr. Fields and I were in the process of trying to constructively resolve our civil business dispute, in October 2012 the Panola County Sheriff's Office got involved, investigating my supposed theft from Mr. Fields. Texas Ranger investigator Officer Todd Martin was brought in to assist in the investigation.

Defendant Ellect, Defendant David Jeter, and Defendant Ronald Clinton, together with Ranger Officer Martin, each violated my legal rights in their conduct of the investigation of my alleged theft. Defendant Jeter was the Chief Deputy in the Sheriff's Office. Defendant Clinton was a Captain in the Sheriff's Office. Their wrongful conduct is the basis for my lawsuit.

Ranger Martin wanted a written statement from me. I declined to give him one. I was then threatened by Defendant Jeter and Defendant Clinton. They threatened to fire me if I did not sign a written statement. I was also told that I would be fired if I hired a lawyer to represent me. Defendant Ellect directed, authorized, approved and ratified their actions. I chose to quit.

I was also threatened by Ranger Martin. He threatened to get a warrant and arrest me if I did not give a written statement.

On October 19, 2012 I signed the Sheriff's Department's Voluntary Statement of Accused. None of the facts stated in this Statement constituted criminal conduct.

On the same day, shortly after I signed the Voluntary Statement of Accused, Defendant Jeter and Defendant Clinton each told me that I had to either quit my job with the Sheriff's Department or I would be fired. Defendant Ellect directed, authorized, approved and ratified their actions.

I chose to quit.

On February 13, 2013 I was indicted for stealing from my former business partner, Mr. Larry Fields.

I then hired attorney John Heath, Jr. in Nacogdoches to represent me in the criminal case brought against me by the Panola County Sheriff's Office.

On November 25, 2013, at a preliminary hearing in my criminal case, Panola County District Judge Charles Dickerson dismissed all of the criminal charges against me with prejudice.

At that preliminary hearing Ranger Martin testified that had Defendant Ellect, Defendant Jeter or Defendant Clinton made him aware that Mr. Fields and I had completely settled and resolved our business dispute, then he would have told these Defendants that ours was a civil matter and that, while Mr. Fields might have a civil suit against me, I had not engaged in any criminal conduct. Ranger Martin also testified that if

he had known the true and complete facts about Mr. Fields and me he would have withdrawn from the investigation.

I have filed suit against Defendant Panola County, Texas because Panola County is legally responsible for the wrongful conduct of Defendants Ellect, Jeter and Clinton.

I have filed suit against Defendant Panola County Judge Leeann Jones in her official capacity because she is the official representative of Defendant Panola County, Texas.

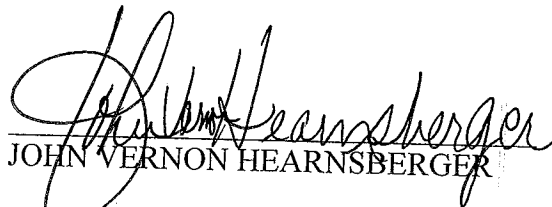
I have filed suit against Defendant Sheriff Kevin Lake in his official capacity as the current Sheriff of Panola County, Texas. I am not certain that I have to file suit against Sheriff Lake to protect my legal claims. I have sued him because he is the current Sheriff not because of any wrongful conduct personally on his part.

V. RELIEF: State briefly exactly what you want the court to do for you.

I want the court to award me a just and fair sum of money for the following damages that I have sustained as result of the wrongful conduct of the Defendants:

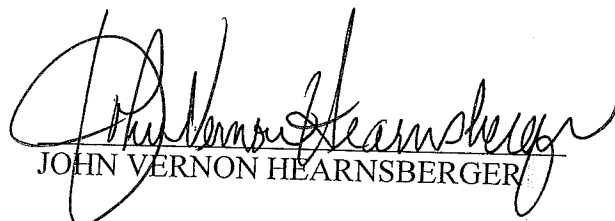
1. Lost income
2. Mental anguish
3. Damage to my reputation
4. The attorney's fees and other expenses that I anticipate incurring in prosecuting this lawsuit.
4. The attorney's fees and other expenses that I incurred in successfully defending the criminal charges brought against me by the Defendants.
5. Any other damages that I have sustained.
6. Punitive damages

Signed on October 20, 2014.


JOHN VERNON HEARNSBERGER

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 20, 2014.


JOHN VERNON HEARNSBERGER